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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,054	10/25/2003	Leonard Immanuel Tafel		1564

34495 7590 04/26/2005

LEONARD TAFEL  
1821 AZALEA LANE  
MT. PROSPECT, IL 60056

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,054

Applicant(s)

TAFEL, LEONARD IMMANUEL

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-16 is/are allowed.
- 6) ☐ Claim(s) 1-9, 11-13 and 17 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Specification***

The disclosure is objected to because some of the words containing the letter "e" have that letter omitted. For example, on specification page 5 reorienting and structures. Other words throughout the specification contain the same omission, but are not listed due to the numerous omissions.

Appropriate correction is required.

***Claim Objections***

Claims 7, 8, 13, and 17 objected to because some of the words containing a letter "e" have that letter omitted. For example, claim 13 recites wherein, chemical, molecules, fumes, and engine each omit a letter "e". It appears that the July 22, 2004 publication of the present application corrected the specification and claim objections, but in order to prevent patent publication delay, it is requested that the objections be corrected. Claim 17 is further objected because of the recitation said tubes lacking an antecedent basis.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218

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USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor. Claims 1-13 are considered non-enabling because independent claim 1, and all claims depending upon that claim, recite a single means claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are considered indefinite because independent claim 1, and all claims depending upon that claim, recite a single means claim. Please the basis for an indefinite rejection under the first paragraph rejection above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gawron et al. (US 3,691,375). Claim 1 is examined under the assumption that it is

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enabling and not indefinite. Gawron is considered to disclose the claimed invention comprising:

means **88** for directing an airflow across a heated high-voltage structure **10** so disposed as to provide thermionic emission, the ionized airflow being then attracted towards a plurality of elongated charge bars **12 & 14**, said items to be at least in part solidified, being interposed between said high-voltage structures and said charge bars; or alternatively:

a structure means **88** for directing an airflow across a plurality of a wire at a high negative electrical potential, said wires being coated with a substance known to facilitate thermionic emission, and sufficiently heated so as to initiate thermionic-emission of ions from said wires into said airstream, and

charge bars **12 & 14** so disposed that said web is interposed between said charge bars and said tubes,

said ionized airstream being thereby attracted to the web interposed in the electrostatic field created between said wires and said charge-bars thereby causing ionization of said vapors and fumes as they are emitted from said web,

and a second position **24** downstream in the direction of web travel wherein the ionized vapors and fumes emitted from the web are repelled therefrom by a second charge bar, and attracted to a collection means. Gawron is also considered to disclose a second charge bar **14** and thermionic facilitating material at column 5 line 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 6-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gawron in view of reference U, cited in this application. Gawron is considered to disclose the claimed invention, except for electrostatic repulsion and attraction collection of vapors and fumes, including recirculating air and catalysts. Reference U, another system to cause solidification, is considered to disclose electrostatic repulsion and attraction collection of vapors and fumes, including recirculating air and catalysts on page 3 under the column label cleaning section. It would have been obvious to one skilled in the art to combine the teachings of Gawron with the electrostatic repulsion and attraction collection of vapors and fumes, including recirculating air and catalysts, considered disclosed in reference U, for the purpose of

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removing vapors and fumes and causing air recirculation for solidification of unwanted material.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gawron in view of Adams (US 2,427,892). Gawron is considered to disclose the claimed invention, except for perforated hollow tubes containing flammable pressurized gas. Adams, another system to cause solidification, is considered to disclose perforated hollow tubes containing flammable pressurized gas at column 6 lines 3-45. It would have been obvious to one skilled in the art to combine the teachings of Gawron with the perforated hollow tubes containing flammable pressurized gas, considered disclosed in Adams, for the purpose of using a combustible material to facilitate ion emission and to facilitate drying of web material by radiant and convective heat.

***Allowable Subject Matter***

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-16 are allowable over the prior art since the structure direction airflow across elongated tubes containing flammable pressurized gas at high negative electrical potential and to emit flames along the length of the tubes, web disposition between charge bars and tubes, and web ionized airstream attraction, and means for collecting ionized fumes and vapors is not found in the prior art either singly or in combination. The closest prior art references are used in rejecting the claims above.

### ***Conclusion***

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 571 272 4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG

April 22, 2005

*Seifu Dain*